

AFFIDAVIT

Before me, the undersigned authority, a Notary Public in and for said County and State of Alabama at Large, personally appeared Carolyn S. Middleton, who being known to me and being by me first duly sworn and says as follows:

1. My name is Carolyn S. Middleton and I am over 21 years of age.
I am the State Budget Officer for the State of Alabama and have personal knowledge of that which is contained herein.
2. In fiscal year 2003-2004, several state agencies experienced recommended budget cuts, including the Secretary of State's office and the Office of Voter Registration.
3. In February of 2003, Governor Bob Riley recommended an 18.85% reduction in the budgets of both the Office of Voter Registration and the Secretary of State's Office.
4. In June of 2003, Act No. 03-313 was implemented. This Act, among other things, transferred the Office of Voter Registration into the Office of the Secretary of State and the budgets were combined.
5. In the special session in September of 2003, the Governor recommended an 18% reduction in his proposed budget for the Secretary of State's Office which now had the Office of Voter Registration.

Exhibit 5

*Jenkins, USDC 05 cv 1049
SPD Mtn for Summary Judgment*

6. The budget, as passed, represented a 12% budget cut for the Secretary of State's Office. The additional money, however, could mainly be used for federal matching money under HAVA.
7. If the restricted HAVA money is removed from the calculation, the resulting budget cut for the Secretary of State's Office is 18%. (See Exhibit 1 - Excel worksheet)

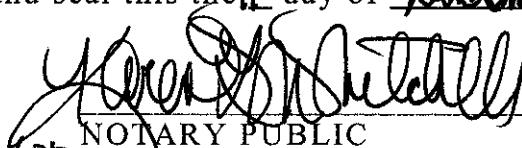
FURTHER, THE AFFIANT SAYETH NOT

Carylyn S. Middleton
CAROLYN S. MIDDLETON

STATE OF ALABAMA)
COUNTY OF MONTGOMERY)

I, the undersigned, a Notary Public in and for said County and State, hereby certify that CAROLYN S. MIDDLETON, whose name is signed to the foregoing Affidavit and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, she voluntarily executed the same on the day the same bears date.

Given under my hand and seal this 11th day of December,
2007.


NOTARY PUBLIC

My Commission Expires: 10/06/08

Secretary of State

FY 2003 General Fund Appropriation	811,719	
3% Pay Raise	<u>16,618</u>	
Total FY 2003 Appropriation	<u>828,337</u>	
Governor's Original FY 2004 Appropriation - February	<u>672,225</u>	-18.85%

Secretary of State and Voter Registration Combined:

Secretary of State total	828,337	
Voter Registration Total	470,693	
Supplemental Appropriation - HAVA Match - Act 03-299	<u>640,350</u>	
Total Combined	<u>1,939,380</u>	
Governor's Original FY 2004 Appropriation - September	1,590,292	-18.00%
GF&A Sub - HAVA Funds	<u>116,000</u>	
As Passed - FY 2004	<u>1,706,292</u>	-12.02%

Voter Registration

FY 2003 General Fund Appropriation	465,300
3% Pay Raise	<u>5,393</u>
Total FY 2003 Appropriation	<u>470,693</u>
Governor's Original FY 2004 Appropriation -	
February	<u>381,984</u> -18.85%

Secretary of State and Voter Registration Combined (W/O HAVA):

Secretary of State total	828,337
Voter Registration Total	<u>470,693</u>
GF without HAVA funding - FY 2003	<u>1,299,030</u>
GF without HAVA funding - FY 2004	<u>1,065,205</u> -18.00%